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VIA ECF

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

**Re: *Giuffre v. Dershowitz*, Case No.: 19-cv-03377-LAP
Response to Plaintiff's Proposal re: Netflix Documents (ECF No. 443)**

Your Honor:

Pursuant to the Court's Order (ECF No. 444), Prof. Dershowitz hereby responds to Plaintiff's letter (ECF No. 443) in which, in essence, she proposes to drop her pursuit of the production of confidential discovery produced by the Netflix Nonparties in *Dershowitz v. Netflix* if Prof. Dershowitz's counsel in *Netflix* returns or destroys that material pursuant to the *Netflix* protective order without Prof. Dershowitz or his counsel in this action having seen it.

Since the Court on March 18 ordered Plaintiff's deposition postponed in response to her prior motion, Mr. Howard Cooper has made commitments in other cases for March 31 and April 1 and can no longer proceed with Plaintiff's deposition on those dates.

Because Plaintiff's deposition will need to be rescheduled regardless, Prof. Dershowitz elects to allow Plaintiff to continue her pursuit of the confidential *Netflix* documents pursuant to the briefing schedule previously established by the Court, with a hearing to occur on April 6. While Plaintiff's original request for the production of all documents produced in the *Netflix* case – propounded before a single document had been produced in that case – was surely overbroad, Prof. Dershowitz agrees that the discrete categories of documents which the Netflix Nonparties actually produced (as recently described by their counsel) are relevant and discoverable in this case.

Prof. Dershowitz's counsel would be happy to confer with Plaintiff's counsel to select mutually agreeable dates for Plaintiff's deposition in mid-April (sufficiently in advance of Mr. Cooper's May 2 trial) on the assumption that the *Netflix* documents will be produced shortly after April 6 (unless the Court orders them not to be produced at all).

Respectfully submitted,

/s/ Christian G. Kiely
Christian G. Kiely

cc: All counsel of record, via ECF